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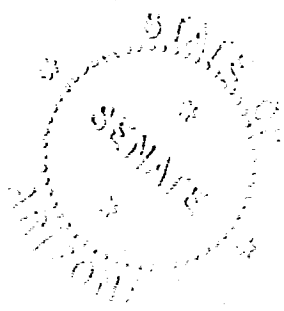
CHAPTER 257

HOUSE BILL 2019

AN ACT

AMENDING SECTIONS 32-906, 32-921, 32-922, 32-922.01, 32-922.02, 32-923, 32-924 AND 32-926, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-933; RELATING TO THE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-906, Arizona Revised Statutes, is amended to
3 read:

4 32-906. Board of chiropractic examiners fund

5 A. All monies, except fines CIVIL PENALTIES collected pursuant to
6 section 32-924, THAT ARE received by the board shall be deposited
7 monthly. Pursuant to sections 35-146 and 35-147, the board shall deposit ten
8 per cent of the monies in the general fund and deposit the remaining ninety
9 per cent in the board of chiropractic examiners fund. All monies THAT ARE
10 derived from fines CIVIL PENALTIES collected pursuant to section 32-924 shall
11 be deposited, pursuant to sections 35-146 and 35-147, in the state general
12 fund.

13 B. Monies THAT ARE deposited in the board of chiropractic examiners
14 fund ~~shall be~~ ARE subject to the provisions of section 35-143.01.

15 Sec. 2. Section 32-921, Arizona Revised Statutes, is amended to read:

16 32-921. Application for license; qualifications of applicant;
17 fee; background investigations

18 A. A person who wishes to practice chiropractic in this state shall
19 submit a written COMPLETE application to the board at least forty-five days
20 before the next scheduled examinations on a form and in the manner prescribed
21 by the board.

22 B. To be eligible for an examination and licensure, the applicant
23 shall:

24 1. Be a person of good character and reputation.

25 2. Be a graduate of a chiropractic college that both:

26 (a) Is accredited by or has status with the council on chiropractic
27 education or is accredited by an accrediting agency recognized by the U.S.
28 department of education or the council on ~~post-secondary~~ POSTSECONDARY
29 accreditation or has the equivalent of these standards as determined by the
30 board.

31 (b) Teaches a resident course of four years of not less than nine
32 months each year, or the equivalent of thirty-six months of continuous study,
33 and that comprises not less than four thousand credit hours of resident study
34 required to receive a degree of doctor of chiropractic (D.C.).

35 3. Be physically and mentally able to practice chiropractic skillfully
36 and safely.

37 4. Have a certificate of attainment for part I and part II and a score
38 of three hundred seventy-five or more on part III of the examination
39 conducted by the national board of chiropractic examiners.

40 C. The board may refuse to give an examination to an applicant who
41 either:

42 1. Fails to qualify for an examination under subsection B of this
43 section.

1 ~~2. Has engaged during the period of two years next preceding his~~
2 ~~application in conduct constituting grounds for sanction pursuant to section~~
3 ~~32-924.~~

4 2. HAS HAD A LICENSE TO PRACTICE CHIROPRACTIC REFUSED, REVOKED,
5 SUSPENDED OR RESTRICTED BY A REGULATORY BOARD IN THIS OR ANY OTHER
6 JURISDICTION FOR ANY ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO
7 THIS CHAPTER.

8 3. IS CURRENTLY UNDER INVESTIGATION BY A REGULATORY BOARD IN THIS OR
9 ANY OTHER JURISDICTION FOR AN ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT
10 PURSUANT TO THIS CHAPTER.

11 4. HAS SURRENDERED A LICENSE TO PRACTICE CHIROPRACTIC IN LIEU OF
12 DISCIPLINARY ACTION BY A REGULATORY BOARD IN THIS OR ANY OTHER JURISDICTION
13 FOR AN ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.

14 D. On making application, the applicant shall pay to the executive
15 director of the board a nonrefundable fee of one TWO hundred FIFTY
16 dollars. The board shall keep a register of all applicants and the result
17 of each examination.

18 E. In order to determine an applicant's eligibility for examination
19 and licensure, the board may obtain criminal history record information from
20 the department of public safety pursuant to section 41-1750. The board shall
21 charge each applicant a fee necessary to cover the cost of the investigation.
22 The board shall forward this fee to the criminal identification section of
23 the department of public safety.

24 Sec. 3. Section 32-922, Arizona Revised Statutes, is amended to read:
25 32-922. Examinations

26 A. The examination for a license to practice chiropractic required of
27 applicants shall be conducted at a time and place designated by the board at
28 least semiannually. Each applicant to be examined shall first file a
29 completed application found to be true and correct and shall be given at
30 least twenty days' written notice of the time and place of the examination.

31 B. The examination shall be in English, practical in character and
32 designed to include subjects which THAT are necessary to ascertain the
33 applicant's knowledge of and fitness to practice chiropractic safely and
34 skillfully as authorized in this state. Examinations shall include material
35 relating to chiropractors and Arizona jurisprudence and the following
36 subjects as taught by accredited chiropractic colleges:

- 37 1. Anatomy.
- 38 2. Physiology.
- 39 3. Pathology.
- 40 4. Bacteriology.
- 41 5. Symptomatology.
- 42 6. Diagnosis, including physical, clinical, x-ray and laboratory
- 43 subjects.
- 44 7. Chiropractic orthopedics.
- 45 8. Principles of chiropractic and adjusting.

- 1 9. Neurology.
- 2 10. Chemistry, including biochemistry and nutrition.
- 3 11. Public health and hygiene.
- 4 12. Chiropractic spinal analysis.

5 C. The board may waive examination in those subjects that the
6 applicant passed previously with the percentage of correct answers prescribed
7 in subsection D OF THIS SECTION in an examination conducted by the national
8 board of chiropractic examiners.

9 ~~D. The board shall grant a license to applicants who correctly answer~~
10 ~~seventy-five per cent of all questions asked and sixty per cent of the~~
11 ~~questions on each subject and who pay the original license fee of one hundred~~
12 ~~dollars.~~

13 D. THE BOARD SHALL GRANT A LICENSE TO AN APPLICANT WHO MEETS ALL OF
14 THE FOLLOWING REQUIREMENTS:

15 1. CORRECTLY ANSWERS AT LEAST SEVENTY-FIVE PER CENT OF ALL QUESTIONS
16 ASKED ON THE SUBJECTS IDENTIFIED IN SUBSECTION B OF THIS SECTION OR ATTAINS
17 A BOARD APPROVED PASSING SCORE ON ALL QUESTIONS ASKED ON THE SUBJECTS
18 IDENTIFIED IN SUBSECTION B OF THIS SECTION IN AN EXAMINATION ADMINISTERED BY
19 A BOARD APPROVED TESTING FACILITY.

20 2. CORRECTLY ANSWERS AT LEAST SEVENTY-FIVE PER CENT OF THE QUESTIONS
21 ON JURISPRUDENCE.

22 3. MEETS ALL OTHER LICENSING REQUIREMENTS OF THIS CHAPTER.

23 4. PAYS THE ORIGINAL LICENSE FEE OF ONE HUNDRED DOLLARS.

24 E. An applicant who fails the examination for the first time may
25 retake the examination within one year if the applicant submits an updated
26 application that meets the requirements of section 32-921.

27 F. An applicant shall reapply for licensure if the applicant does not
28 pay the original license fee within one year after having been notified by
29 the board that the applicant is eligible to receive a license.

30 Sec. 4. Section 32-922.01, Arizona Revised Statutes, is amended to
31 read:

32 32-922.01. Reciprocity; requirements

33 A. The board shall issue a license to practice chiropractic under this
34 section to an applicant who meets both of the following requirements:

35 1. Holds a current license to practice chiropractic issued after
36 examination by a licensing board in another state or country in which, IN THE
37 OPINION OF THE BOARD, the licensing requirements are at least substantially
38 equivalent, ~~in the opinion of the board,~~ to those of this state and the other
39 state or country grants similar reciprocal privileges to chiropractors
40 licensed in this state.

41 2. Receives a grade of at least seventy-five per cent on the Arizona
42 jurisprudence examination.

43 3. PAYS THE ORIGINAL LICENSE FEE OF ONE HUNDRED DOLLARS.

44 B. The applicant shall pay the application fee prescribed by section
45 32-921 and present proof satisfactory to the board that:

1 1. A license issued by any other state has not been sanctioned for any
2 cause ~~which~~ THAT is a basis of a sanction imposed by the board pursuant to
3 this chapter, except for failure to pay fees.

4 2. The applicant has not previously failed to pass the examination in
5 this state.

6 3. The applicant has been engaged in the practice of chiropractic
7 continuously for not less than three of the five years immediately preceding
8 the application.

9 Sec. 5. Section 32-922.02, Arizona Revised Statutes, is amended to
10 read:

11 32-922.02. Specialties; certification; fees

12 A. In order to practice a chiropractic specialty a licensee shall be
13 certified in that specialty by the board.

14 B. AT LEAST ONE MONTH BEFORE THE SCHEDULED ACUPUNCTURE EXAMINATION,
15 an applicant who wishes to take the acupuncture examination shall SUBMIT THE
16 FOLLOWING TO THE BOARD:

17 1. ~~Submit Documentation to the board~~ of his successful completion of
18 a minimum of fifty hours of study at an accredited chiropractic college or
19 postgraduate study with an instructor on the active or postgraduate staff of
20 an accredited chiropractic college.

21 2. A COMPLETE APPLICATION AS PRESCRIBED BY THE BOARD.

22 C. An applicant who wishes to ~~take the~~ BE CERTIFIED TO PERFORM
23 physiotherapy ~~examination~~ shall submit THE FOLLOWING TO THE BOARD:

24 1. A COMPLETE APPLICATION AS PRESCRIBED BY THE BOARD.

25 2. ~~Documentation to the board~~ of his successful completion of a
26 minimum of one hundred twenty hours of study at an accredited chiropractic
27 college or postgraduate study with an instructor on the active or
28 postgraduate staff of an accredited chiropractic college.

29 3. DOCUMENTATION OF HAVING PASSED AN EXAMINATION IN PHYSIOTHERAPY THAT
30 IS APPROVED BY THE BOARD.

31 D. The board shall issue a certificate to any applicant who MEETS THE
32 REQUIREMENTS OF THIS SECTION, WHO correctly answers AT LEAST seventy-five per
33 cent of all questions asked on the specialty examination and who pays a
34 certificate fee of one hundred dollars.

35 E. On making application, the applicant shall pay to the executive
36 director of the board a nonrefundable fee of one hundred dollars. The board
37 shall keep a register of all applicants and the result of each examination.

38 Sec. 6. Section 32-923, Arizona Revised Statutes, is amended to read:

39 32-923. Change of address; annual renewal fee; failure to
40 renew; waivers

41 A. Every person licensed pursuant to this chapter shall ~~within thirty~~
42 days notify the board in writing of any change in residence or office address
43 AND TELEPHONE NUMBER WITHIN THIRTY DAYS AFTER THAT CHANGE. THE BOARD SHALL
44 IMPOSE A PENALTY OF FIFTY DOLLARS ON A LICENSEE WHO DOES NOT NOTIFY THE BOARD
45 AS REQUIRED BY THIS SUBSECTION.

1 B. Every person licensed to practice chiropractic in this state shall
2 annually make a renewal application to the board prior to BEFORE January 1
3 after original issuance of a license and SHALL pay a renewal license fee
4 PRESCRIBED BY THE BOARD of one NOT MORE THAN ONE hundred SEVENTY
5 dollars. The renewal application shall be made upon ON a form and in a
6 manner prescribed by the board. The executive director shall annually, AT
7 LEAST thirty or more days before the renewal application and renewal fee are
8 due, THE BOARD SHALL send by first class mail a renewal application and
9 notice requiring license renewal and payment of the renewal fee.

10 C. The board shall automatically suspend a license if the licensee
11 does not submit an A COMPLETE application for renewal and pay the renewal
12 license fee as required by this section.

13 D. The board may reinstate a license if the person completes an
14 application for reinstatement as prescribed by the board, complies with the
15 continuing education requirements for each year that the license was
16 suspended, pays the annual renewal license fee for each year that the license
17 was suspended and pays an additional fee of one hundred dollars. An
18 applicant who does not request reinstatement within two years of the date of
19 suspension shall apply for a license as a new candidate pursuant to section
20 32-921 or 32-922.02 32-922.01.

21 E. The board may waive the annual renewal license fee when IF a
22 licensee presents evidence satisfactory to the board that the licensee has
23 permanently retired from the practice of chiropractic and has paid all fees
24 required by this chapter prior to BEFORE THE waiver.

25 F. During such THE period of waiver the retired licensee shall not
26 engage in the practice of chiropractic. A violation of this subsection shall
27 subject SUBJECTS the retired licensee to the same penalties as are imposed
28 in this chapter upon ON a person who practices chiropractic without a
29 license.

30 G. The board may reinstate a retired licensee to active practice upon
31 ON payment of the annual renewal license fee and presentation of evidence
32 satisfactory to the board that the retired licensee is professionally able
33 to engage in the practice of chiropractic and still possesses the
34 professional knowledge required. AFTER A HEARING, the board may, after a
35 hearing, refuse to reinstate a retired licensee to active practice under this
36 subsection on any of the grounds prescribed in section 32-924, subsection A.

37 Sec. 7. Section 32-924, Arizona Revised Statutes, is amended to read:

38 32-924. Grounds for disciplinary action; hearing; civil
39 penalty; definition

40 A. ~~After a hearing the board may take the following actions to~~
41 ~~sanction a person for any of the grounds listed in subsection B:~~

42 1. ~~Issue an order to cease and desist.~~

43 2. ~~Issue an order of censure.~~

44 3. ~~Impose a civil penalty of not more than five hundred dollars.~~

45 4. ~~Prescribe terms of probation.~~

1 5. ~~Refuse to issue a license to an applicant.~~

2 6. ~~Revoke or suspend a license.~~

3 B. A. The following are grounds for ~~sanctions~~ DISCIPLINARY ACTION,
4 regardless of where they occur:

5 1. Employment of fraud or deception in securing a license.

6 2. Practicing chiropractic under a false or assumed name.

7 3. Impersonating another practitioner.

8 4. Habitual use of alcohol, narcotics or stimulants to the extent of
9 incapacitating the licensee for the performance of professional duties.

10 5. Unprofessional or dishonorable conduct of a character likely to
11 deceive or defraud the public or tending to discredit the profession.

12 6. Conviction of a misdemeanor involving moral turpitude or of a
13 felony.

14 7. Gross malpractice, repeated malpractice or any malpractice
15 resulting in the death of a patient.

16 8. Representing that a manifestly incurable condition can be
17 permanently cured, or that a curable condition can be cured within a stated
18 time, if ~~such~~ THIS is not the ~~fact~~ TRUE.

19 9. Offering, undertaking or agreeing to cure or treat a condition by
20 a secret means, method, device or instrumentality.

21 10. Refusing to divulge to the board upon ON demand the means, method,
22 device or instrumentality used in the treatment of a condition.

23 11. Giving or receiving or aiding or abetting the giving or receiving
24 of rebates, either directly or indirectly.

25 12. Acting or assuming to act as a member of the board if ~~such~~ THIS is
26 not the ~~fact~~ TRUE.

27 13. Advertising in a false, deceptive or misleading manner.

28 14. Refusal, revocation or suspension of a license by any other state
29 or country, unless it can be shown that ~~such was not occasioned by~~ THE ACTION
30 WAS NOT TAKEN FOR reasons ~~which~~ THAT relate to the ability to safely and
31 skillfully practice chiropractic or to any act of unprofessional conduct.

32 15. Any conduct or practice contrary to recognized standards in
33 chiropractic or any conduct or practice ~~which~~ THAT constitutes a danger to
34 the health, welfare or safety of the patient or the public or any conduct,
35 practice or condition ~~which~~ THAT impairs the ability of the licensee to
36 safely and skillfully practice chiropractic.

37 16. Violating or attempting to violate, directly or indirectly, or
38 assisting in or abetting the violation of or conspiring to violate any of the
39 provisions of this chapter or any board order.

40 17. Failing to ~~designate himself and sign his~~ THE PHYSICIAN'S name,
41 wherever required, in any capacity as "chiropractic doctor", "chiropractic
42 physician" or "doctor of chiropractic" or failing to use and affix the
43 initials "D.C." after his THE PHYSICIAN'S name.

1 18. Failing to place or cause to be placed the word or words
2 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic
3 physician" in any sign or advertising media he uses.

4 19. Using physiotherapy without passing an examination in that subject
5 and without being certified in that specialty by the board.

6 20. Using acupuncture without passing an examination in that subject
7 and without being certified in that specialty by the board.

8 21. Engaging in sexual intercourse or oral sexual contact with a
9 patient in the course of treatment.

10 22. Billing or otherwise charging a patient or third party payor for
11 services, appliances, tests, equipment, an x-ray examination or other
12 procedures not actually provided.

13 23. Intentionally misrepresenting to or omitting a material fact from
14 the patient or third party payor concerning charges, services, appliances,
15 tests, equipment, an x-ray examination or other procedures offered or
16 provided.

17 24. Advertising chiropractic services, appliances, tests, equipment,
18 x-ray examinations or other procedures for a specified price without also
19 specifying the services, procedures or items included in the advertised
20 price.

21 25. Advertising chiropractic services, appliances, tests, equipment,
22 x-ray examinations or other procedures as free without also disclosing what
23 services or items are included in the advertised service or item.

24 26. Billing or charging a patient or third party payor a higher price
25 than the advertised price in effect at the time the services, appliances,
26 tests, equipment, x-ray examinations or other procedures were provided.

27 27. Advertising a specialty or procedure which THAT requires a separate
28 examination or certificate of specialty, unless the licensee has satisfied
29 the applicable requirements of this chapter.

30 28. Solicitation by the licensee or by the licensee's compensated agent
31 of any person who is not previously known by the licensee or the licensee's
32 agent, and WHO at the time of the solicitation is vulnerable to undue
33 influence, including any person known to have experienced any of the
34 following within the last fifteen days:

35 (a) involved INVOLVEMENT in a motor vehicle accident.

36 (b) involved INVOLVEMENT in a work-related accident.

37 (c) injured INJURY by, or as the result of actions of, another person.

38 ~~C. Pursuant to board rules, the board on its own initiative shall~~
39 ~~investigate and may hold hearings on alleged violations of this section.~~

40 B. THE BOARD ON ITS OWN MOTION OR ON RECEIPT OF A COMPLAINT MAY
41 INVESTIGATE ANY INFORMATION THAT APPEARS TO SHOW THAT A DOCTOR OF
42 CHIROPRACTIC IS OR MAY BE IN VIOLATION OF THIS CHAPTER OR BOARD RULES OR IS
43 OR MAY BE MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF
44 CHIROPRACTIC. THE BOARD SHALL NOTIFY THE LICENSEE AS TO THE CONTENT OF THE
45 COMPLAINT AS SOON AS IS REASONABLE. ANY PERSON WHO REPORTS OR PROVIDES

1 INFORMATION TO THE BOARD IN GOOD FAITH IS NOT SUBJECT TO CIVIL DAMAGES AS A
2 RESULT OF THAT ACTION.

3 C. THE BOARD MAY REQUIRE A LICENSEE UNDER INVESTIGATION PURSUANT TO
4 THIS SECTION TO BE INTERVIEWED BY THE BOARD OR ITS REPRESENTATIVES. THE
5 BOARD MAY REQUIRE A LICENSEE WHO IS UNDER INVESTIGATION PURSUANT TO THIS
6 SECTION TO UNDERGO, AT THE LICENSEE'S EXPENSE, ANY COMBINATION OF MEDICAL,
7 PHYSICAL OR MENTAL EXAMINATIONS THAT THE BOARD FINDS NECESSARY TO DETERMINE
8 THE LICENSEE'S COMPETENCE.

9 D. IF THE BOARD FINDS BASED ON THE INFORMATION IT RECEIVES UNDER
10 SUBSECTIONS B AND C THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IMPERATIVELY
11 REQUIRES EMERGENCY ACTION, AND INCORPORATES A FINDING TO THAT EFFECT IN ITS
12 ORDER, THE BOARD MAY ORDER A SUMMARY SUSPENSION OF A LICENSE PENDING
13 PROCEEDINGS FOR REVOCATION OR OTHER ACTION. IF THE BOARD TAKES THIS ACTION
14 IT SHALL ALSO SERVE THE LICENSEE WITH A WRITTEN NOTICE THAT STATES THE
15 CHARGES AND THAT THE LICENSEE IS ENTITLED TO A FORMAL HEARING WITHIN SIXTY
16 DAYS.

17 E. IF, AFTER COMPLETING ITS INVESTIGATION, THE BOARD FINDS THAT THE
18 INFORMATION PROVIDED PURSUANT TO THIS SECTION IS NOT OF SUFFICIENT
19 SERIOUSNESS TO MERIT DISCIPLINARY ACTION AGAINST THE LICENSEE, IT MAY TAKE
20 EITHER OF THE FOLLOWING ACTIONS:

21 1. DISMISS THE COMPLAINT IF IN THE BOARD'S OPINION THE INFORMATION IS
22 WITHOUT MERIT OR DOES NOT WARRANT SANCTION OF THE LICENSEE.

23 2. ISSUE AN ADVISORY LETTER. AN ADVISORY LETTER IS A NONDISCIPLINARY
24 ACTION AND IS A PUBLIC DOCUMENT.

25 F. THE BOARD MAY REQUEST A FORMAL INTERVIEW WITH THE LICENSEE
26 CONCERNED. AT A FORMAL INTERVIEW THE BOARD MAY RECEIVE AND CONSIDER
27 PERTINENT DOCUMENTS AND SWORN STATEMENTS OF PERSONS WHO MAY BE CALLED AS
28 WITNESSES IN A FORMAL HEARING. LEGAL COUNSEL MAY BE PRESENT AND PARTICIPATE
29 IN THE FORMAL INTERVIEW. IF THE LICENSEE REFUSES THE REQUEST OR IF THE
30 LICENSEE ACCEPTS THE REQUEST AND THE RESULTS OF THE INTERVIEW INDICATE
31 SUSPENSION OR REVOCATION OF THE LICENSE MAY BE IN ORDER, THE BOARD SHALL
32 ISSUE A COMPLAINT AND ORDER THAT A HEARING BE HELD PURSUANT TO TITLE 41,
33 CHAPTER 6, ARTICLE 10. IF, AFTER THE FORMAL INTERVIEW, THE BOARD FINDS THAT
34 THE INFORMATION PROVIDED PURSUANT TO THIS SECTION IS TRUE BUT IS NOT OF
35 SUFFICIENT SERIOUSNESS TO MERIT SUSPENSION OR REVOCATION OF THE LICENSE, IT
36 MAY TAKE ANY OF THE FOLLOWING ACTIONS:

37 1. DISMISS THE COMPLAINT IF IN THE BOARD'S OPINION THE INFORMATION IS
38 WITHOUT MERIT OR DOES NOT WARRANT SANCTION OF THE LICENSEE.

39 2. ISSUE AN ADVISORY LETTER. AN ADVISORY LETTER IS A NONDISCIPLINARY
40 ACTION AND IS A PUBLIC DOCUMENT.

41 3. ISSUE AN ORDER TO CEASE AND DESIST.

42 4. ISSUE A LETTER OF CONCERN.

43 5. ISSUE AN ORDER OF CENSURE. AN ORDER OF CENSURE IS AN OFFICIAL
44 ACTION AGAINST THE LICENSEE AND MAY INCLUDE A REQUIREMENT FOR RESTITUTION OF
45 FEES TO A PATIENT RESULTING FROM A VIOLATION OF THIS CHAPTER OR BOARD RULES.

1 6. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE
2 PUBLIC HEALTH AND SAFETY AND TO REHABILITATE OR EDUCATE THE LICENSEE. ANY
3 COSTS INCIDENTAL TO THE TERMS OF PROBATION ARE AT THE LICENSEE'S OWN
4 EXPENSE. PROBATION MAY INCLUDE RESTRICTIONS ON THE LICENSEE'S LICENSE TO
5 PRACTICE CHIROPRACTIC.

6 7. IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR
7 EACH VIOLATION OF THIS CHAPTER.

8 8. REFUSE TO RENEW A LICENSE.

9 G. IF THE BOARD BELIEVES THE CHARGE IS OF SUCH MAGNITUDE AS TO WARRANT
10 SUSPENSION OR REVOCATION OF THE LICENSE, THE BOARD SHALL IMMEDIATELY INITIATE
11 FORMAL REVOCATION OR SUSPENSION PROCEEDINGS PURSUANT TO TITLE 41, CHAPTER 6,
12 ARTICLE 10. THE BOARD SHALL NOTIFY A LICENSEE OF A COMPLAINT AND HEARING BY
13 CERTIFIED MAIL ADDRESSED TO THE LICENSEE'S LAST KNOWN ADDRESS ON RECORD IN
14 THE BOARD'S FILES. THE NOTICE OF A COMPLAINT AND HEARING IS EFFECTIVE ON THE
15 DATE OF ITS DEPOSIT IN THE MAIL. THE BOARD SHALL HOLD A FORMAL HEARING
16 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THAT DATE.

17 H. IF THE LICENSEE WISHES TO BE PRESENT AT THE FORMAL HEARING IN
18 PERSON OR BY REPRESENTATION, OR BOTH, THE LICENSEE SHALL FILE WITH THE BOARD
19 AN ANSWER TO THE CHARGES IN THE COMPLAINT. THE ANSWER SHALL BE IN WRITING,
20 VERIFIED UNDER OATH AND FILED WITHIN TWENTY DAYS AFTER SERVICE OF THE
21 COMPLAINT.

22 I. ANY LICENSEE WHO, AFTER A HEARING, IS FOUND TO BE IN VIOLATION OF
23 THIS CHAPTER OR BOARD RULES OR IS FOUND TO BE MENTALLY OR PHYSICALLY UNABLE
24 TO SAFELY ENGAGE IN THE PRACTICE OF CHIROPRACTIC IS SUBJECT TO ANY
25 COMBINATION OF THOSE DISCIPLINARY ACTIONS IDENTIFIED IN SUBSECTION F OR
26 SUSPENSION OR REVOCATION OF THE LICENSE. IN ADDITION, THE BOARD MAY ORDER
27 THE LICENSEE TO PAY RESTITUTION OR ALL COSTS INCURRED IN THE COURSE OF THE
28 INVESTIGATION AND FORMAL HEARING IN THE MATTER, OR BOTH.

29 J. THE BOARD SHALL REPORT ALLEGATIONS OF EVIDENCE OF CRIMINAL
30 WRONGDOING TO THE APPROPRIATE CRIMINAL JUSTICE AGENCY.

31 K. THE BOARD MAY ACCEPT THE SURRENDER OF AN ACTIVE LICENSE FROM A
32 LICENSEE WHO ADMITS IN WRITING TO HAVING VIOLATED THIS CHAPTER OR BOARD
33 RULES.

34 ~~D.~~ L. For purposes of this section, "solicitation" includes contact
35 in person, by telephone, telegraph or telefacsimile or by other communication
36 directed to a specific recipient and includes any written form of
37 communication directed to a specific recipient.

38 Sec. 8. Section 32-926, Arizona Revised Statutes, is amended to read:

39 32-926. Practice of chiropractic without license prohibited;

40 exemptions

41 A. It is unlawful for a person to:

42 1. Practice chiropractic in this state without having first obtained
43 a license as provided in this chapter.

1 2. Work as a chiropractic assistant except under the supervision of
2 a doctor of chiropractic and pursuant to this chapter and rules adopted
3 pursuant to this chapter.

4 3. Use the abbreviation "C.A." or the term "chiropractic assistant"
5 unless the person is working under the supervision of a doctor of
6 chiropractic pursuant to this chapter and rules adopted by the board.

7 4. PRACTICE CHIROPRACTIC IN THIS STATE AFTER THE BOARD PLACES THE
8 PERSON ON INACTIVE STATUS PURSUANT TO SECTION 32-933.

9 B. This chapter does not prevent:

10 1. ~~Any out-of-state practitioner holding a license granted~~ A PERSON
11 WHO IS LICENSED by another state, territory or district from meeting within
12 this state in consultation with a ~~doctor of chiropractic holding a license~~
13 PERSON LICENSED pursuant to this chapter, ~~provided that such out-of-state~~
14 ~~practitioner~~ IF THAT PERSON does not open an office or appoint a place of
15 meeting to receive patients in this state.

16 2. Any person from acting at the direction and under the supervision
17 of a doctor of chiropractic ~~holding a license~~ LICENSED pursuant to this
18 chapter, if that person is acting in an assistant or technical capacity, is
19 not in violation of this chapter, and does not ~~hold himself out to the~~
20 ~~public as being~~ CLAIM TO BE licensed to practice chiropractic.

21 3. Any chiropractic student from participating in a preceptorship
22 training program approved by the board.

23 4. A doctor of chiropractic who holds a restricted permit from
24 practicing chiropractic pursuant to section 32-932.

25 Sec. 9. Title 32, chapter 8, article 2, Arizona Revised Statutes, is
26 amended by adding section 32-933, to read:

27 32-933. Inactive license; restrictions; reinstatement to active
28 license

29 A. ON WRITTEN REQUEST, THE BOARD SHALL PLACE A LICENSEE IN GOOD
30 STANDING ON INACTIVE STATUS. THE REQUEST SHALL STATE THAT THE LICENSEE IS
31 NOT CURRENTLY ENGAGED IN THE PRACTICE OF CHIROPRACTIC IN THIS STATE.

32 B. IF AN INACTIVE LICENSEE APPLIES TO THE BOARD FOR REINSTATEMENT TO
33 ACTIVE LICENSURE WITHIN TWELVE MONTHS AFTER THE DATE THE BOARD ISSUES A
34 NOTICE OF INACTIVE STATUS, THE INACTIVE LICENSEE SHALL SUBMIT THE FULL ANNUAL
35 LICENSE RENEWAL FEE AND PROVE TO THE BOARD'S SATISFACTION THAT THE LICENSEE
36 HAS MET THE CONTINUING EDUCATION REQUIREMENTS OF SECTION 32-931 AND BOARD
37 RULES RELATING TO CONTINUING EDUCATION.

38 C. IN ADDITION TO MEETING THE REQUIREMENTS OF SUBSECTION B OF THIS
39 SECTION, A LICENSEE WHO HAS BEEN ON INACTIVE STATUS AND WHO HAS NOT BEEN
40 ACTIVELY ENGAGED IN THE PRACTICE OF CHIROPRACTIC FOR MORE THAN TWO YEARS MUST
41 PASS THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS SPEC EXAMINATION BEFORE
42 REINSTATEMENT TO ACTIVE LICENSURE.

43 D. A LICENSEE WHO IS ON INACTIVE STATUS SHALL MEET ALL OF THE
44 REQUIREMENTS OF SECTION 32-923.

1 E. THE PRACTICE OF CHIROPRACTIC IN THIS STATE DURING ANY TIME THAT A
2 LICENSE IS ON INACTIVE STATUS IS GROUNDS FOR SANCTION OF THE LICENSEE.

3 Sec. 10. Requirements for enactment; two-thirds vote

4 Pursuant to article IX, section 22, Constitution of Arizona, this act
5 is effective only on the affirmative vote of at least two-thirds of the
6 members of each house of the legislature and is effective immediately on the
7 signature of the governor or, if the governor vetoes this act, on the
8 subsequent affirmative vote of at least three-fourths of the members of each
9 house of the legislature.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House April 3, 2002,

by the following vote: 44 Ayes,

13 Nays, 3 Not Voting,
Article IX, Section 22

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate May 2, 2002

by the following vote: 23 Ayes,

4 Nays, 3 Not Voting
both Art. IX, Sec. 22

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2019

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 41 Ayes,

16 Nays, 3 Not Voting
Article IX, Section 27

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 3:00 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 21st day of

May, 2002

at 12:56 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2019

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2002,

at 12:13 o'clock P M.

[Signature]
Secretary of State